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Attorney for Secured Creditor U.S. BANK, NATIONAL
ASSOCIATION AS LEGAL TITLE TRUSTEE FOR
TRUMAN 2016 SC6 TITLE TRUST

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (OAKLAND)

In Re:	)	CASE NO. : 20-41288
)	
CAROL LEE DEPUYDT-MEIER,	)	CHAPTER 13
)	
DEBTOR,)	
	)	DC No: DVW-001
)	
<hr/>		DECLARATION IN SUPPORT OF
U.S. BANK, NATIONAL ASSOCIATION AS	)	MOTION FOR RELIEF FROM
LEGAL TITLE TRUSTEE FOR TRUMAN 2016	)	THE AUTOMATIC STAY
SC6 TITLE TRUST)	
	)	DATE: 12/09/2020
MOVANT.	)	TIME: 9:30 am
	)	CTRM: 220
v.	)	U.S. Bankruptcy Court
	)	1300 Clay Street, Oakland, CA 94612
CAROL LEE DEPUYDT-MEIER, DEBTOR;)	
MARTHA G. BRONITSKY, CHAPTER 13	)	Honorable William J. Lafferty
TRUSTEE,)	
	)	Property: 61 Rudgear Drive,
	)	Walnut Creek, CA 94596
)	
)	

I, Calvin Dawson declares as follows:

1. I am over the age of 18 years, am not a party to the within action. I have personal knowledge of the following facts, unless stated otherwise herein, and if called upon to testify I could and would competently testify as to those matters set forth herein.

1 2. I am employed as an Calvin Dawson for RUSHMORE LOAN
2 MANAGEMENT SERVICES, LLC ("RUSHMORE") mortgage loan servicer U.S. BANK,
3 NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6
4 TITLE TRUST, a Secured Creditor herein ("Movant") and in that capacity I am one of the
5 custodians of the books, records, files, and documents which pertain to the subject loan naming
6 CAROL LEE DEPUYDT-MEIER ("Debtor") as obligor. I am authorized to make this
7 Declaration on Movant's behalf.
8

9 3. Said books, records, files and other documents are true and correct copies of
10 originals or copies maintained in RUSHMORE's custody and control, and were prepared in the
11 regular and normal course of RUSHMORE, Movant, or Movant's predecessor in interest by
12 its employees who have a business duty to Movant, RUSHMORE and Movant's predecessor
13 in interest to keep and maintain such records, at or near the time of acts, conditions, or events
14 depicted herein. I have personally reviewed RUSHMORE's and Movant's records, and files
15 regarding this loan and related issues, and as to the following facts, I either know them to be
16 true of my own personal knowledge, or have gained knowledge of them from said books,
17 records, and files.
18

19 4. On or about March 30, 2006, Debtor executed a Note in the sum of
20 \$600,000.00 naming DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. as Payee.
21 Said Note is secured by a Deed of Trust of even date in the sum of \$600,000.00 naming
22 DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. as Beneficiary, recorded in the
23 Office of the County Recorder of Contra Costa County on April 6, 2006 as Document No.
24 2006-0106478-00 and encumbering the real property located at 61 Rudgear Drive, Walnut
25 Creek, CA 94596 (the "Property"). True and correct copies of the Note and Deed of Trust are
26 attached hereto as Exhibits "1" and "2".
27
28

1 5. All beneficial interest in the Note and Deed of Trust were assigned to Movant.
2 Movant, directly or through its Agent, is in possession, custody, and control of the original
3 endorsed Note and Allonges attached thereto assigning all rights, title, and interest therein to
4 Movant.

5 6. An Assignment of the Deed of Trust was recorded on October 4, 2012 as
6 Document No 2012-0245207 assigning all right, title and interest in the Note and Deed of
7 Trust to U.S. Bank, National Association. A subsequent Assignment of the Deed of Trust was
8 recorded on January 28, 2019, Document No. 2019-0011296-00, assigning all right, title and
9 interest in the Note and Deed of Trust to U.S. Bank National Association as Legal Title
10 Trustee for Truman 2016 SC6 Title Trust, Movant herein, which Assignment was recorded in
11 the Office of the Contra Costa County Recorder. A true and correct copy of the Assignments
12 are attached hereto as Exhibit "3".
13

14 7. A Bankruptcy Petition was filed by Debtor on 08/03/2020.

15 8. A Notice of Default was recorded on 01/24/2020.

16 9. A Notice of Sale was recorded on 05/04/2020.

17 10. A Foreclosure Sale is currently set for December 17, 2020

18 11. At the time of the Debtor's Bankruptcy filing the total amount owing under the
19 Note and Deed of Trust was no less than \$924,688.73 with \$402,065.78 in pre-petition
20 mortgage arrears.

21 12. The monthly post-petition mortgage payment is currently \$3,053.07.

22 13. Debtor has defaulted on the obligations due and owing Movant by failing to
23 tender the monthly payments for September 1, 2020 through November 1, 2020 resulting in
24 post-petition arrears of \$9,159.21. Debtor has \$0.00 in the suspense account, leaving a
25 balance of arrears of \$9,159.21. A true and correct copy of the post-petition accounting of the
26 loan is attached hereto as Exhibit "4".

27 14. There is currently no loan modification application pending.
28

15. In addition to Movant's lien, Debtor's Schedules reveal that there is a junior lien encumbering the Property in favor of National City Bank, in the sum of \$138,000.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed this 24th day of November 2020 at 11:20 am CST.

0 am CST _____.

Cal Davis